

REMARKS

Claims 1-18 are pending in this application after this Amendment. Claims 1 and 17 are independent. In light of the remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1, 4, 6-9 and 13-18 under 35 U.S.C. § 103(a) as being unpatentable over *Usami* (U.S. Patent No. 5,748,342) in view of *Inoue et al.* (U.S. Patent No. 5,844,542); rejected claims 2, 3, 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over *Usami* and *Inoue et al.* and further in view of *Lau-Kee et al.* (U.S. Patent No. 5,631,974); rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Usami* and *Inoue et al.* and further in view of *Cookingham* (U.S. Patent No. 6,658,139); and rejected claim 11 in view of *Usami* and *Inoue et al.* and further in view of *Campo et al.* (U.S. Patent No. 5,526,285). Applicant respectfully traverses these rejections.

In support of the rejection of claim 1, the Examiner refers to Fig. 1B and 14, col. 4 lines 54-58, col. 5, lines 32-34, col. 11, lines 33-40 of *Usami* with regards to a memory for storing at least one reference image. Within the reference, col. 5 lines 32-39 recites four images in Fig. 7, which are 71, input image data as is; 72, an image without performing processing for input image data outside the color reproduction range; 73, an image having undergone color space compression based on algorithm A; and 74, an image having undergone color space compression based on algorithm B, being stored in a video memory. Additionally, col. 11, lines 33-94, recites storing image data obtained by reading an original image in the memory 223. In this context, it

appears the Examiner is interpreting that the at least one reference image of claim 1 corresponds to more than one image of the above-mentioned images 71 to 74.

On the other hand, the Examiner refers to col. 5, lines 1-48 and 59-67, col. 6, lines 25-28 and 34-46, and col. 7 lines 48-63 of *Usami* with regards to a first adjustment unit for adjusting said image processing conditions in said image processing unit by comparing said finished-state-predicting image with said at least one selected reference image displayed on said display. Col. 5, lines 1-48 and col. 6, lines 25-28 recites simultaneously displaying images 71 to 74 as shown in Fig. 7 for comparison. Col. 6, lines 34-46 recites displaying processed images obtained by changing parameters in a color space compression, and the user selecting a processed image to determine the output image. In other words, the images to be displayed are an original image and processed images that are already adjusted, therefore, these images are not displayed for the purpose of adjusting image-processing conditions.

In contrast, claim 1 compares the reference image and the finished-state-predicting image for the purpose of adjusting the image processing conditions of the finished-state-predicting image for the image processing. In this regard, *Usami* does not disclose comparing the reference image and the finished-state-predicting image to adjust the parameters in a color-space compression for processing an image.

Furthermore, the Examiner appears to assert that more than one image of images 71 to 74 allegedly correspond to reference images as described above.

Meanwhile, the Examiner asserts that the cited reference *Inoue et al.* discloses registering a reference image, and refers to col. 5, lines 7-15, and 20-28 and col. 6, lines 16-19. This citation mentions storing image data as a color adjustment result. Accordingly, the processed image as a color adjustment result seems to correspond to the reference image to be registered. Thus, the above described processed images 72-74 become reference images, but it is unclear which image becomes the finished-state-predicting image and which is the processed image.

Thus, it is unclear how the reference image and the finished-state-predicting image defined in claim 1 corresponds to the images 71 to 74 asserted by the Examiner. Furthermore, comparing the reference image with the finished-state-predicting image to adjust the image processing conditions used for the finished-state-predicting image is not disclosed by *Usami* or *Inoue et al.*, either alone or in combination.

As such, Applicant maintains that neither of the references, either alone or in combination, teach or suggest comparing the finished-state-predicting image with the at least one selected reference image displayed on the display for adjusting the image processing conditions. For the reasons set forth above, Applicant respectfully submits that as neither of the references, either alone or in combination, teach or suggest all of the elements as recited in claim 1, Applicant respectfully submits that claim 1 is not obvious over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

Claims 2-16 are allowable at least for the reasons set forth above with regard to claim 1 based upon their dependency on claim 1. Further, claim 17 includes elements similar to those

discussed above with regard to claim 1 and thus claim 17, together with claims dependent thereon, are allowable for the reasons set forth above with regard to claim 1.

Further, in support of the Examiner's rejection of claim 18 the Examiner asserts *Inoue et al.* discloses using the adjusted image processing conditions for the image processing, and displaying the new finished-state-predicting image obtained thereby with a reference image, citing to Fig. 9 and col. 11, lines 15-21, as showing that the original image can be adjusted to form multiple variations of that image based on processing characteristics, each of which is displayed on the display for the user to view and compare to the original. However, Fig. 9 and col. 11, lines 15-21 of *Inoue et al.* describe displaying the current image and processed images corresponding to six setting points adjacent to the current image, and not using adjusted image processing conditions for the image processing by the image processing unit, and displaying the new finished-state-predicting image obtained thereby with the reference image. As such, Applicant respectfully submits that claim 18 is patentable over the references as cited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

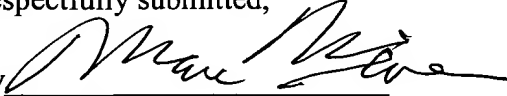
Application No. 09/963,373
Amendment dated April 5, 2006
After Final Office Action of December 5, 2006

Docket No.: 1110-0288P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: April 5, 2006

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant